

Lower Boise River Watershed Advisory Group

Comment, page 1, "DEQ should defer TMDLs on individual tributaries until the year 2000 and should set the Load Allocations only at the mouths of the tributaries and drains."

Noted

Comment, page 1, "DEQ should adopt the No Net Increase (NNI) approach for phosphorus as an interim measure until the Brownlee TMDL is complete."

DEQ concurs.

Comment, page 1, "DEQ should use a seasonal approach for interim NNI allocations."

Noted. DEQ will develop an appropriate application of the state's "no net increase" rule for the lower Boise River watershed.

Comment, page 1, "Phosphorus data that the WAG has had to work with are less than ideal; the WAG and DEQ should continue to seek ways to improve the database for future decision making."

Noted.

Comment, page 1, "DEQ should include in the TMDL acknowledgment that new bacteria standards need to be adopted, and allowance should be made for this in the implementation plan."

DEQ will include language in the TMDL to specify that the goal of bacteria allocations and waste load allocations is to protect contact recreational uses of the Boise River, using applicable state criteria for bacteria. Should the bacteria criteria change, compliance with the new criteria would still constitute compliance with the TMDL allocations and waste load allocations for bacteria.

Comment, page 1, "DEQ should not establish a TMDL for temperature; but instead, should promptly pursue other regulatory mechanisms such as use attainability analyses, and if appropriate, modified use categories."

DEQ agrees that load and waste load allocations should not be developed for temperature on the two segments of the river listed for temperature, and as such did not develop a TMDL for temperature. DEQ agrees that all regulatory options, such as variances, site specific criteria, seasonal criteria, or alternative designated uses, are

options that can be discussed with respect to temperature in the lower Boise River.

Comment, page 2, "The TMDL documents should recognize that agriculture is not the only source of sediment and bacteria, and that the TMDL has to be fair and equitable."

DEQ recognizes that agriculture is not the only source of sediment and bacteria. The TMDL contains waste load allocations, applied to NPDES permitted facilities, for both of those pollutants. In addition, DEQ recommends that implementation planning for the TMDL evaluate all sources of sediment and bacteria to identify the most effective way in which to meet load allocation goals.

Comment, page 2, "DEQ's approach to the Reserve for Growth for sediment and bacteria allocations is appropriate."

DEQ appreciates the support of the WAG for the sediment reserve for growth applied to NPDES facilities. Please note that no reserve is specified for bacteria.

Comment, page 2, "DEQ should establish a high flow off-ramp for the sediment allocation."

Noted. DEQ does not believe that such an off ramp is necessary at this time.

Comment, page 2, "DEQ's equal percent reduction approach for sediment load allocations is appropriate."

Noted.

Comment, page 2, "The WAG supports DEQ's equal percent reduction approach for sediment load allocations, because it provides incentives for trading markets to develop where conditions warrant."

Noted.

Comment, page 2, "The TMDL should establish that trading is an allowable method to comply with sediment TMDL and phosphorus No Net Increase requirements."

The current scope of effluent trading development is limited to phosphorus as a tradable commodity, but will likely credit phosphorus associated with sediment reductions. Phosphorus allocations have been removed from the TMDL, and trading language related to phosphorus will be developed in documents other than the current lower Boise River TMDL.

Comment, page 2, “The final TMDL should include additional discussion concerning the implementation plan, including functions, scope, roles, time frame, process, and key elements list.”

The items described in the WAG comment will be developed in the implementation planning process and will remain separate from the TMDL document.

Comment, page 2, The WAG thanked DEQ staff for effort in preparing the TMDL document.

DEQ appreciates the thanks of the WAG, and extends similar thanks and appreciation to the members of the WAG who gave many hours of their time to the TMDL development process.

Comment, page 2, “The WAG and DEQ have worked diligently to produce a rational TMDL and allocations, and believe that the overall product is reasonably sound.”

DEQ concurs.

Comment, page 2, “DEQ should include Eagle Fish Hatchery and Nampa Fish Hatchery as point sources for phosphorus loads because the existing hatchery loads are comparable to small municipal wastewater treatment plants.”

The phosphorus load and waste load allocations have been removed from the TMDL. DEQ will develop and appropriate application of the state’s “no net increase” rule to total phosphorus in the lower Boise River watershed.

Comment, page 2, “DEQ should use the flow-variable Load Capacity approach for the bacteria TMDL.”

DEQ agrees, and the Draft TMDL includes a concentration based (flow variable) approach to bacteria load allocations.

Comment, page 2, “DEQ’s sediment TMDL has a reasonable scientific basis.”

Noted.

Comment, page 2, “DEQ’s sediment allocation approaches are fair and rational in how they addressed both point and non-point sources.”

Noted.

Comment, page 2, Reasonable assurance, "DEQ should not plan to seek further point source reductions for these parameters because it would not achieve significant overall reductions due to the relatively low contribution from point sources."

The language included on page 54 of the Draft TMDL is based upon United States Environmental Protection Agency, Guidance for Water Quality Based Decisions: The TMDL Process, EPA 440/4-91-001, page 24, "State or Local Process for Nonpoint Sources".

Comment, page 2, "DEQ should move promptly to establish updated and more scientifically defensible bacteria standards."

The development and adoption of new bacteria criteria for the State of Idaho is not a TMDL issue, but rather is a rule making issue.

Denyce M. Verti

Ms. Verti provided a series of comments related to the condition of the river bank and public use of the park located near the Canyon Hill Bridge. Users of the area often throw trash into the Boise River, and leave trash on the banks. In addition, no restroom facilities are available to the swimmers who use the Boise River in that area, which contributes to the degradation of the banks and the river.

DEQ appreciates your suggestions for improving the quality of recreational access to the River near Caldwell.